



State Council Gets County Perspective

*A Conversation With County Counsel
Ann Miller Ravel*

SHERRI ENG



County Counsel
Ann Miller Ravel

Ann Miller Ravel joined the Office of the Santa Clara County Counsel for the trial experience. More than two decades later, she's gotten plenty of that and more. Ms. Ravel has held numerous positions in the office, including lead attorney, deputy counsel, and chief assistant counsel, and has litigated everything from conservatorship and adoption cases to civil rights and discrimination matters.

Ms. Ravel was appointed county counsel in 1998, becoming the first woman to hold the highest office in any of the three Santa Clara County public law offices. Now as head of the office, she advises the county's board of supervisors and manages a 140-person legal staff that handles all of the county's legal matters.

But even as a young attorney, Ms. Ravel had an interest not only in the law but in the judicial system as a whole. During her legal career, she has served as chair of the JNE (Judicial Nominees Evaluation) Commission, which evaluates candidates for the bench, and has been on many local committees dedicated to the improvement of the judicial system. Ms. Ravel says she has always maintained that "the independence and the high standards of the judiciary are very important in our society."

Keeping judicial standards high was one of the reasons Ms. Ravel was interested in becoming a member of the Judicial Council. In September, she began a three-year term on the council and is now its liaison to the Probate and Mental Health Advisory Committee. Court News spoke with Ms. Ravel about her

new role as council member and some of the issues affecting both the counties and the courts.

As county counsel, how would you assess the changes in the relationships between the counties and the courts since the transition to state trial court funding?

Fortunately the County of Santa Clara has a wonderful relationship with the bench. We have worked very hard to establish this relationship even through the change to a more independent court system.

For example, we were one of the first counties to formally contract with our local court for security services provided by our sheriff's office. This followed difficult, but always amicable, negotiations. As another example, our county continues to include local court employees in our group insurance plans. The court pays for the coverage but is able to get a better deal by working with us. I predict that we won't have any problems with the transfer of court facilities either. I think ultimately it will be a good thing for the courts and the counties.

But I do know that a number of other counties haven't had as good an experience as Santa Clara has. What I hope to bring to the Judicial Council is the counties' perspective and to remind the members of the judiciary that we are still interrelated in many ways.

Can you give us a few examples of the issues that the counties and the courts will still need to work on together?

As I mentioned, as county counsel, I represent the Sheriff's Department, which in turn provides security to most courts. Our office is also very involved in issues concerning courthouse facilities, many of which are combined buildings that have county functions and offices located in them. These are going to be ongoing issues that will require collaboration and cooperation between the county and the judicial system.

What issues will most likely be raised during the transition process transferring responsibility for court facilities from the county to the courts?

There will be questions about whether the counties' court facilities are up to the safety and physical standards that will allow them to be transferred to the courts. I'm certain there will be some disagreement about that and hope that reason will prevail given the dire financial situation that everybody is facing.

At its December 13 meeting, the council adopted a new rule, effective January 1, 2003, regarding the management of all claims and lawsuits affecting the council, the AOC, the courts, and the judicial officers and employees of those agencies. What is this rule and what does it do?

Rule 6.201 essentially provides that for the appellate and state courts, the council, through the AOC's Office of the General Counsel (OGC), is responsible for the claims and the manage-

ment of these claims. Ultimately the settlement of claims will be conducted by a council committee.

I don't see that the new rule will have a huge impact on the way that claims are presently handled in our office. OGC has already instituted oversight over most claims. When our county handles litigation, we report to the OGC on all cases and settlements.

However, there are a few counties that have not been entirely happy with their relationships with the OGC. They believe that because of our long-standing relationship with, and our representation of, the courts, we have a great deal of understanding of how to handle certain types of claims. We are down here working in the courts, have cases before the courts, know the judges, and have represented them for a number of years.

You are the Judicial Council's liaison to its Probate and Mental Health Advisory Committee. How does your experience as county counsel help you in that role?

Generally speaking, as county counsel, I am familiar with the concerns of the individuals in the probate and mental health system and can help bring that understanding to the deliberations of the committee.

We have a large contingent in my office that is involved with probate and mental health cases, and we have a new program to obtain damages from the perpetrators of elder abuse, including financial institutions. We also have a large staff that specifically handles LPS (Lanterman-Petris-Short Act) cases, which involve the detention of individuals with mental health issues in order to provide treatment. And I myself have done LPS cases and have a lot of familiarity with the issues that they raise. ■

Northern/Central Regional Office

COURTS IN REGION

Courts of Appeal: Third Appellate District, Fifth Appellate District

Superior Courts: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Kern, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba

STAFF

Michael M. Roddy, Regional Administrative Director

Before joining the AOC in July 2001, Mr. Roddy served as the executive officer of the unified Superior Court of Sacramento County since 1998 and oversaw the consolidated Sacramento Superior and Municipal Court from 1994 to 1998. Before that (1988-1994), he served as assistant executive officer of the San Diego Superior Court.

Active in Judicial Council activities, Mr. Roddy is a current member of the council's Court Executives Advisory Committee, Jury System Improvements Task Force, Probation Services Task Force, and Trial Court Presiding Judges/Court Executives Education Committee.

Kelly Scharosch, Executive Secretary
Before joining the regional office, Ms. Scharosch served as the Supervising Executive Secretary for the AOC's Office of Governmental Affairs.

Yvonne Choong, Senior Court Services Analyst

Ms. Choong's current projects include providing technical assistance and policy updates to the courts, and arranging site visits to the 32 courts in the region. She previously served as an analyst in the criminal justice section at the Legislative Analyst's Office.

Jackie Murphy, HR Analyst

Ms. Murphy has been in the human resources field for approximately 12 years including 4 years of experience working in the trial courts in the Superior Court of Alameda and Sutter Counties.

Barbara Smith, Budget Analyst

Prior to joining the AOC in April, Ms. Smith served as the budget officer for the Unemployment Insurance Appeals Board for 14 years.

Sean Faro, Budget Analyst

Prior to joining the AOC in June, Mr. Faro was a staff services analyst with the California Department of Social Services. Focusing primarily on county administrative budgets, he also served as a legislative intern for an assemblywoman in the California State Assembly.

Lola Whitehead, HR Analyst

Ms. Whitehead is currently assisting several HR working groups, including those involved with Human Resources Management Information Systems (HRMIS), benefits, classification and compensation. Prior to her current position, she was the human resources manager for the Superior Court of Yolo County.

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Regional Offices

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have confirmed that all of the courts are facing similar challenges while operating with limited resources," says Ms. Patton. "I've received requests for help on such issues as the budget, the recently passed facilities bill, human resources, and technology. I am very impressed at how hard everyone is working to maintain and improve services to the public." ■

Supreme Court Approves Custody Credit Waivers

The situation is common: the defendant has been convicted of a substantial residential burglary, but his lack of a felony record and indication of a drug problem suggests that he would benefit from a grant of probation with treatment. Wanting to give the defendant the maximum incentive to complete treatment, the trial judge imposes a suspended term of six years in state prison, the maximum punishment. The judge also requires the defendant to waive all of his custody credits earned under Penal Code section 2900.5—both before and after sentencing and for any time in the treatment program—in the event there is a future violation of probation.

Such are the circumstances in *People v. Johnson* (2002) 28 Cal.4th 1050 where the defendant appealed the portion of the sentence that required the waiver of custody credits. Defendant argued that such a waiver, when taken against a maximum state prison sentence, results in a prison term longer than authorized by law. Defen-

dant also argued that such a condition of probation serves no legitimate purpose; it is imposed only to expose the defendant to a prison term longer than the maximum set by law. The Supreme Court disagreed.

The seminal case is *In re Chamberlain* (1978) 78 Cal.App.3d 712, particularly the concurring opinion of Justice Bernard Jefferson, which observed that nothing in section 2900.5 prohibits a defendant from knowingly and intelligently waiving entitlement to custody credits. (See concurring opinion of Justice Jefferson, *id.* at p. 720.) A number of cases have sanctioned the waiver of custody credits: *People v. Johnson* (1978) 82 Cal.App.3d 183, 188; *People v. Torres* (1997) 52 Cal.App.4th 771, 775; *People v. Salazar* (1994) 29 Cal.App.4th 1550, 1553–1556; *People v. Ambrose* (1992) 7 Cal.App.4th 1917, 1920; and *People v. Zuniga* (1980) 108 Cal.App.3d 739, 743.

Holding that defendants properly may be asked to waive all custody credits in exchange

for a grant of probation—even when the court also suspends the maximum state prison sentence—the Supreme Court found a legitimate purpose for the waiver in giving the defendant encouragement to follow through with treatment. “The waiver was to give defendant an incentive to successfully complete the residential treatment program based on the knowledge that failure to do so would expose him to imposition of the six-year prison sentence unreduced by previously served custodial time. Here, defendant, who admittedly suffers from drug dependency, committed a serious residential burglary warranting maximum punishment, but the trial court’s grant of probation gave him a chance to get off drugs and to avoid state prison. On these facts, we cannot say that the trial court’s requirement of a waiver of custody credits as a condition of granting probation lacked any legitimate penal function.” (*People v. Johnson*, *supra*, 28 Cal.4th at pp.1056–1057.)

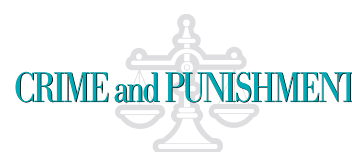
The court expressly disapproved *People v. Tran* (2000) 78 Cal.App.4th 383 to the extent it held such waivers invalid if the court also suspended the maximum state prison term. The court declined to address the circumstance where a trial court routinely grants of probation on obtaining the waiver of custody credits, a practice that was condemned in *People v. Penoli* (1996) 46 Cal.App.4th 298, 303–304; cf. *People v. Torres*, *supra*, 52 Cal.App.4th at pp. 775–783.

A reading of the Supreme Court’s decision in *Johnson* suggests that a trial judge who wishes to obtain a waiver of custody credits should observe the following principles. First, a court may condition a grant of probation on the waiver of past and future custody credits normally allowed under Penal Code section 2900.5. Second, the court should articulate on the record the reason why the waiver is sought; the reason should reflect a legitimate penal interest such as securing maximum encouragement for rehabilitation. Third, until the conflicting appellate authority is resolved, the court should avoid routinely requiring defendants to enter credit waivers as a condition of granting probation. ■



Judge J. Richard Couzens
Superior Court of Placer County

Judge Couzens is a former member of the Judicial Council and past chair of its Criminal Law Advisory Committee.



Broadcast Highlights Mental Health Courts

BLAINE CORREN

Nearly 250,000 of those incarcerated in the nation’s prisons suffer from mental illness, according to a recent publication from the National Judicial College.

Focusing on this nexus between criminal behavior and mental illness, the Collaborative Justice Courts Advisory Committee and the Center for Judicial Education and Research presented a satellite broadcast on mental health courts. The November 14 AOC-TV broadcast presented an overview of mental illness and methods used to treat it, and showed viewers how and why mental health courts work.

BRINGING THE MENTAL HEALTH COMMUNITY TOGETHER

The broadcast presented an opportunity for court staff and community partners to learn about and discuss mental illness and mental health courts. Members of the advisory committee and staff from the Administrative Office of the Courts (AOC) worked together with local drug court coordinators to bring members of the legal and treatment communities together to view the program.

The AOC provided court staff throughout the state with a sample introductory memo that they could send out as an invitation to view the broadcast at the local satellite downlink site for their court. As a result of this collaboration, more than 450 view-

ers in 22 counties tuned in to the program. Audience members included representatives from public health organizations, mental health providers, sheriffs’ and police departments, district attorneys’ and public defenders’ offices, county jails, and probation offices. The Superior Court of Nevada County also had two county supervisors come to their airing of the broadcast.

“We had more than 50 people in attendance,” says Hilary Burget, who helped coordinate the event at the Nevada County court. “We used the broadcast as an opportunity to bring people together and have a platform for discussion. We brought the community in to address a community issue.”

“We received excellent feedback from participants and many are excited about the prospect of developing a mental health court,” says Superior Court of Nevada County Judge Carl F. Bryan II. “Following the broadcast the court sent a follow-up letter to call for another meeting. In addition, we will be showing a videotape of the program to mental health professionals as a continuing education effort.”

Like Nevada County, court officials in the Superior Court of San Francisco County also had a good turnout for the AOC-TV program. “Some members of the city’s mental health system have been somewhat resistant to serving criminal clients,” says Anne Marie Engel, San Francisco’s drug court coordinator who

helped organize her court’s screening of the mental health broadcast. “But Barbara Garcia, Deputy Director of the San Francisco Department of Public Health, is in the process of integrating mental health and substance abuse services into a behavioral health system that will better serve the needs of those in the criminal justice system.”

BROADCAST FEATURES

Broadcast viewers were greeted with welcoming remarks by Superior Court of Butte County Judge Darrell W. Stevens, who chairs the Collaborative Justice Courts Advisory Committee, and Los Angeles County Public Defender Michael P. Judge.

Following the introduction, Emily A. Keram, M.D., an assistant clinical professor of psychiatry and associate director of the Psychiatry and the Law Program at the University of San Francisco, presented an overview of mental illness and the methods used to treat it. She went over the types and causes of mental illnesses, how illnesses manifest themselves, treatment plans, and why some defendants have trouble complying with court orders.

The program allowed viewers to engage in local activities and discussions with their fellow audience members about how their county court identifies and handles mentally ill defendants. The broadcast also encouraged viewers to fax in questions to a live studio panel. The panel, moderated by Michael Judge, consisted

of Dr. Keram and Judges Becky Dugan (Riverside County), Stephen V. Manley (Santa Clara County), and Patrick J. Morris (San Bernardino County).

NEXT STEPS

The end of the program invited viewers to think about creating a mobilization plan for developing a mental health court in their counties. All participants also received a mental health courts satellite broadcast handbook.

The handbook makes it easier for viewers to follow along with the broadcast and contains resource materials to aid in the development of a mental health court in local communities.

● For more information or to order a copy of the handbook or a videotape of the broadcast, contact Lisa Lightman, Administrative Office of the Courts’ Collaborative Justice Program, 415-865-7614; e-mail: lisa.lightman@jud.ca.gov. ■



A November 14 AOC-TV broadcast presented an overview of mental illness and methods used to treat it, and showed viewers how and why mental health courts work.

Kleps Awards Honor Court Programs

Recognizing innovation in court administration, the Judicial Council on December 13 announced the recipients of the 2002 Ralph N. Kleps Award for Improvement in the Administration of the Courts. Created in 1991 to honor Ralph N. Kleps, the first administrative director of the California courts, the award recognizes and honors the contributions made by individual courts to the administration of justice.

The winners were selected from a field of 44 nominees by the Kleps Award Committee, whose members included judges, court staff, AOC staff, and community representatives. The committee's review and selection process included site visits to all nominated programs.

Programs nominated for the Kleps Award are judged on the following criteria: (1) Does the program improve the administration of the courts and reflect the intent of at least one of the goals of the Judicial Council's Long-Range Strategic Plan (access, fairness, and diversity; independence and accountability; modernization of management and administration; quality of justice and service to the public; education; and technology)? (2) Is the activity innovative? (3) Is the program transferable to other courts? (4) Has the program been in operation for at least one year?

This annual award is given in five categories defined by the number of authorized judicial positions (AJPs) in a county court system. Formal presentation will occur at the California Judicial Administration Conference (CJAC), scheduled for February 25-28. Each winning court will be invited to display an overview of its project at the conference. In addition, the committee plans to share information on the award-winning programs through both the courts' public and private Web sites and the AOC-TV satellite network.

Descriptions of the winning programs follow.

2002 KLEPS AWARD WINNERS

Category 1: Courts With 2-6 AJPs

Court Becomes Its Own Employer Superior Court of Amador County

When the court became its own employer July 1, 2001, it successfully absorbed all fiscal and administrative functions from the county in a rigorous one-year project. Without additional funding, the court established a strategic plan and implemented all phases of the project in one year—absorbing accounting, payroll, human resources, and procurement functions. The court became an employer in the eyes of the federal and state governments, opened a bank account, and researched and implemented fiscal systems. It also created fiscal and personnel policies and procedures, as well as new classification plans, and has completed labor negotiations.

● Contact: Rachele Agatha, Executive Officer, 209-223-6496; e-mail: ragatha@co.amador.ca.us.

Court to Community: Teen Parenting Superior Court of San Benito County

The Court to Community: Teen Parenting project is an outreach effort designed to inform teenagers about the legal and financial consequences when a child is born and the parents are (a) not living together and (b) not financially independent and/or (c) not yet 18. The objective is to reduce unplanned pregnancies and births where the children of teens become dependent on family members or public assistance. The project is an interactive presentation in which court staff (judges, commissioners, staff attorneys) and family law counsel take on the roles of court commissioner and family law facilitator in a skit performed with members of the student audience. The skit includes a mock interview between a teen father and a facilitator, and a mock courtroom hearing. Feedback evaluations from about 500 students over the last three years indicate a high level of effectiveness, as well as sincere appreciation for the court's effort.

● Contact: Alex Calvo, Executive Officer, 831-636-4057; e-mail: acalvo@courts.co.san-benito.ca.us.

Category 2: Courts With 7-19 AJPs

Public Law Center Superior Court of Nevada County

The court established a Public Law Center to assist the growing number of self-represented individuals involved in the court system and to improve access to justice for all members of the community. This self-help center provides information to individuals who are not represented by an attorney and who may have to navigate through court procedures on a number of issues such as adoption, conservatorship, guardianship, name changes, unlawful detainer, traffic, civil harassment, neighbor disputes, and jury service. The center provides self-help information to the public in the form of books, brochures, online research, online links to other courts, computer forms, videos, forms packets with instructions, and lists of alternate community resources.

● Contact: Kent Vanderschuit, Director, Public Law Center, 530-265-7113; e-mail: kent.vanderschuit@nevadacountycourts.com.



The Superior Court of Nevada County's Public Law Center provides a working model of a small county that found the resources to deliver self-help services to the public. *Photo: Courtesy of the Superior Court of Nevada County*

Juvenile Violence Court Superior Court of Yolo County

The Juvenile Violence Court (JVC) is a collaborative effort between the superior court and the Yolo County Probation Department that has resulted in an effective and cost-efficient response to reducing juvenile violence. Fifteen at-risk juveniles with violent histories are chosen for each session. Juveniles appear monthly in court, where the specially assigned probation officer reports on each minor's progress or missteps. As part of the program each minor is also required to attend field trips to the California Youth Authority Diversion/Reality Check and to San Quentin's Squire Program for Minors at Risk. Throughout the program minors keep personal journals. Each minor's school attendance is monitored daily, as well as other delinquent behavior at home, and drug usage (random drug testing) or gang affiliations (rooms are periodically searched for gang paraphernalia). All minors are required to attend two hours of anger control classes for 12 weeks, as well as peer meetings where a facilitator discusses topics such as conflict resolution, self-esteem building, and the roots of violence and racism.

● Contact: Kathleen M. White, Executive Officer, 530-666-8272; e-mail: kwhite@yolocourts.com.



The Superior Court of Yolo County's Juvenile Violence Court (JVC) is a collaborative effort with the Yolo County Probation Department that has resulted in an effective and cost-efficient response to reducing juvenile violence.

Category 3: Courts With 20-49 AJPs

In the Interest of Justice Video Superior Court of San Joaquin County

In the Interest of Justice is a cultural awareness video with accompanying written materials produced by the Superior Court of San Joaquin County. The video seeks to educate both the bench and court staff about the Cambodian, Hmong, Laotian, and Vietnamese cultures by illustrating how cultural differences can clash in the courtroom. For example, Southeast Asian formalities, such as diverting eyes from people of authority as a way of showing respect, can be misunderstood by American judges and judicial staff.

● Contact: Barbara A. Kronlund, Commissioner, 209-831-5914; e-mail: bak@courts.san-joaquin.ca.us.



The Superior Court of San Joaquin County's *In the Interest of Justice* video seeks to educate both the bench and court staff about the Cambodian, Hmong, Laotian, and Vietnamese cultures.

CLETS Interface
Superior Court of Sonoma County

The court developed a computer software program to allow automatic electronic transmission of restraining order information from the superior court case management system to the Department of Justice's California Law Enforcement Telecommunications System (CLETS) automated computer system. Information entered into the state CLETS system is accessible to all law enforcement agencies in the state. The information it contains relates to terms and conditions of domestic violence restraining orders, harassment restraining orders, elder abuse, workplace violence, and criminal protective orders.

● Contact: Donna Gomes, Director, Court Technical Service Division, 707-565-3041; e-mail: dgomes@sonoma-county.org.

Category 4: Courts With 50+ AJP

Self-Help Forms Printing Kiosk
Superior Court of Orange County

The court installed self-service, high-speed kiosks at all seven of the court's justice center locations. Each touchscreen kiosk allows the public instant access, at no cost, to all of the court's approximately 575 preprinted forms for civil, small claims, family law, probate, and criminal matters. Each time the user selects a form, the kiosk accesses the California Courts Web site for the statewide form as well as the local court's public Web server for local forms. This ensures that the user always sees and prints the latest version of the form.

● Contact: Anthony A. Thompson, Manager, Court Management Services, 714-834-3858; e-mail: tthompson@occourts.org.

Court Certificate Program
Superior Court of Riverside County

To enhance court staff's skills and performance through continuing professional education and development, the court created a Court Certificate Program. The program provides an opportunity for full-time, permanent employees to develop their professional and personal skills and build self-esteem. Eligible employees agree to a minimum two-year commitment to attend internal court training courses (held during work hours) and classes at a community college (on their own time). The curriculum includes classes in ethics, business, technology, communications, law, and customer service. Staff who have completed this program are given special consideration when applying for promotions and advancement.

● Contact: Inga McElyea, Regional Court Administrator, 909-955-5536; e-mail: imcelyea@co.riverside.ca.us.



The Superior Court of Orange County is helping to meet the needs of self-represented litigants by installing electronic kiosks with information on legal services. *Photo: Courtesy of the Superior Court of Orange County*

On My Honor Law Education Program
Superior Court of San Diego County

On My Honor was conceived by Judge Richard G. Cline of the Superior Court of San Diego County, who collaborated with a local teacher to develop a teacher's guide and numerous lesson plans and activities. On My Honor includes a visit to the court and participation in a mock trial. The program teaches youth about the legal system, the courts, and the administration of justice. More than 1,900 students from several school districts have participated in the program since its inception in 2000, and judges from several divisions of the superior court have been trained in its presentation. Students say that they appreciate the opportunity to learn how the reality of the justice system differs from television portrayals.

● Contact: Judge Richard G. Cline, North County Division, 760-806-6304, e-mail: richard.cline@sdcourt.ca.gov.



The Superior Court of San Diego County's On My Honor program gives middle school students a tour of a courtroom and includes participation in a mock trial.

Category 5: Appellate Courts

Appellate Mediation Program
Court of Appeal, First Appellate District

The mediation program developed by the First Appellate District of the Court of Appeal resolves litigation early in the appellate process, before parties incur the cost of preparing briefs. By initiating the mediation process, the court affords parties an opportunity for settlement that they may not take on their own. A court-trained mediator is assigned to a case based on his or her mediation skills and subject matter expertise. The mediation process is informal and confidential and maximizes parties' participation in settling their dispute.

● Contact: Justice Ignazio Ruvalo, Division Two, 415-836-7360; e-mail: justice.ruvalo@jud.ca.gov.

● For more information on the Kleps Award, contact Beth Shirk, 415-865-7870; e-mail: beth.shirk@jud.ca.gov.

Members of the 2002 Kleps Award Committee

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|---|---|--|
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President Signs Juvenile Justice Bill



José F. Dimas

JOSÉ F. DIMAS
OFFICE OF GOVERNMENT
RELATIONS
NATIONAL CENTER FOR
STATE COURTS

President George W. Bush signed a Department of Justice (DOJ) reauthorization bill enacting juvenile justice legislation that was stalled for several years over disagreements about punishing and confining young people who commit crimes. In addition, the reauthorization assigns new responsibilities to state courts for juvenile justice and drug abuse prevention. Other provisions were also attached to the DOJ reauthorization law such as a drug abuse/drug courts prevention bill and the reauthorization of the Violence Against Women Office (VAWO).

JUVENILE JUSTICE

The past several Congresses have seen lawmakers unable to pass a general reauthorization of the Juvenile Justice Delinquency Prevention Act (JJDP) of 1974, which expired in 1996. Each year the reauthorization bills became a Christmas tree on which to hang amendments favored by different lawmakers. Past efforts to reauthorize this law quickly turned into a hodgepodge of measures to "get tough" on juveniles.

In the past, proponents of tougher legislation added stricter measures to juvenile justice bills, such as requiring that status offenders, including runaways, be locked up with adults or subjecting juveniles to the death penalty. Other lawmakers attached gun control provisions to these bills.

With juvenile crime fading from public view and the country focused on terrorism, Congress now has reauthorized the Office of Juvenile Justice and Delinquency Prevention with few contentious provisions. The bill creates multiple juvenile jus-

tice block grants: a formula grant, local delinquency prevention grants, and a juvenile accountability incentive block grant (JAIBG) program. States will receive block grants based on the size of their youth populations and youth crime problems.

In order to receive formula grant funding, states must agree to keep the core protections for juveniles. The core protections are: keeping status offenders out of secure facilities; maintaining juveniles and adults in separate detention facilities except in certain circumstances; and making efforts to reduce the disproportionate number of minority juveniles in their state's justice system.

The new law eliminates many of the specialized grant programs that Congress established over the years, such as mentoring grants, "challenge" grants, Title V incentive grants, gang-free schools grants, and boot camp grants. In their place, the Justice Department will offer states a new delinquency prevention block grant.

Block grants have been favored in recent years because they allow the states more autonomy and flexibility in how they assign federal dollars to local priorities. States may choose to spend money on programs like those above or on other projects they deem effective.

In various sections of this law, state courts are cited with specific areas of responsibility and grant eligibility. In the JAIBG program, states have au-

thority to hire more juvenile court judges. The state Chief Justice and the chief judge of the local courts must be consulted during development of the state and local grant applications. Finally, court representatives must be members of newly created boards to implement statewide and local juvenile justice plans.

For the JAIBG, Congress formally authorizes this program at \$350 million a year for fiscal years 2002 through 2005. This program has been funded at about \$250 million a year by the Appropriations Committee, but had not been authorized.

To receive funding, states and units of local government must have graduated sanctions programs for juveniles, that is, penalties for juveniles must increase with each subsequent offense. Jurisdictions have to demonstrate that they have systems of graduated sanctions in place. The new law also changes a rule governing how long a juvenile can be held in a rural facility with adults before an initial court appearance. The length of time has been increased from the old standard of 24 hours to 48 hours.

DRUG COURTS

The new law reauthorizes drug courts and places all drug court programs in one office with new evaluation methods. Additional provisions allow residential substance abuse treatment grants to be used for services during and after incarceration, including nonresidential aftercare. Also,

the law authorizes programs for the reentry of criminal offenders into mainstream society and creates a national \$1 million demonstration grant. Under this section, state courts are considered eligible entities to apply for grants from the Department of Justice for the establishment of drug courts.

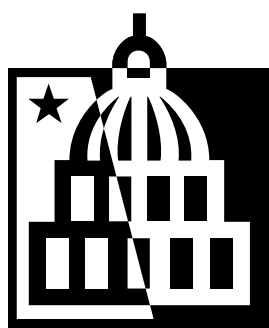
VIOLENCE AGAINST WOMEN OFFICE

The DOJ reauthorization includes language establishing the Violence Against Women Office (VAWO) as a separate entity within the Office of Justice Programs. VAWO will now be at a level equivalent to the Bureau of Justice Assistance (BJA), Bureau of Justice Statistics (BJS), and National Institute of Justice (NIJ). Its director will be a presidential appointee and confirmed by the Senate. This is a departure from the reorganization plan of the DOJ, which had proposed including the VAWO within BJA. This should strengthen the voice for crime programs benefiting women.

Courts will continue to receive attention from this office, especially in the area of cross-court coordination enforcement and communication. This office has a specific mandate to provide information to the judiciary on matters relating to violence against women.

AUTHORIZATION NOT APPROPRIATION

A point that needs to be emphasized is that this new law is simply an authorization for these juvenile justice block grants to be established and funded at those levels. It is not a monetary allocation. The appropriations committees will have to allocate dollars to these new programs subject to the overall spending limits established. For state court representatives concerned about juvenile justice matters, this means that they have to engage in another battle for funding for these programs. ■



Watch on Washington

California Courts Embrace Adoption Month

More than 100,000 children in California live apart from their families and 24 percent of the children who enter non-kin foster care are still in the foster care system three years later. To help find permanent homes for these children and to honor National Adoption Month, many California courts held special events in November to focus attention on the importance of adoptions.

The events coincided with the Judicial Council's resolution proclaiming November as Court Adoption and Permanency Month in California. The council's action was taken in conjunction with similar resolutions by the Governor's Office and the Legislature.

Following are highlights of the activities around the state.

SUPERIOR COURT OF TULARE COUNTY

The court held its third annual Adoption Saturday Celebration on November 2, where families were treated to a continental breakfast and adoption stories. The Visalia Police Department was also in attendance to take

photos for child identification cards. The names of the adopted children were added to the Tulare County Family Tree, which contains a leaf for every child adopted in the county.

SUPERIOR COURT OF ALAMEDA COUNTY

On Saturday, November 16, the court finalized about 80 adoptions through the volunteer services of judges, court personnel, attorneys, social workers, and private adoption agencies. During the event, the court and the Museum of Children's Art provided entertainment.

SUPERIOR COURT OF VENTURA COUNTY

The court held an Adoption and Permanency Information Fair on November 19. Local non-profit agencies that work with and provide services to foster, kinship, and adoptive parents set up information tables and answered questions about the adoption process. The court also issued Spanish- and English-language public service announcements about the need for more adoptive families.

SUPERIOR COURT OF EL DORADO COUNTY

On November 22, the court dedicated the entire day to adoptions. Local businesses, in coordination with the local CASA, donated picnic baskets for each newly adoptive family, and balloons were given to all children who attended the proceedings. Each family also received a personalized commemorative certificate of adoption and a family photo.

SUPERIOR COURT OF LOS ANGELES COUNTY

Los Angeles joined courts in New York, Chicago, Washington, D.C., Dallas, and Atlanta in holding Adoption Saturday on November 23. Los Angeles County held ceremonies in 15 courtrooms for 250 children. To date, more than 5,244 adoptions have been finalized on Adoption Saturdays in Los Angeles County through the volunteer efforts of judges, attorneys, bailiffs, law students, and community volunteers.